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**EPSTEIN BECKER & GREEN, P.C.**

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May 6, 2008

**VIA ECF AND FIRST CLASS MAIL**

Honorable Denny Chin  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Room 1020  
New York, New York 10007

Re: Demetrius Wright v. Brae Burn Country Club, Inc., 08 CIV 3172

Dear Judge Chin:

We represent the Defendant, Brae Burn Country Club, Inc. in the above-captioned matter.

I write in response to the letter motion submitted by Plaintiff's counsel earlier this afternoon, in which Plaintiff requests that Defendant's motion to dismiss be stricken in its entirety.

As I discussed with Sara of your chambers early this morning, soon after receiving the Complaint in this action, I reviewed your individual rules, and also contacted your chambers to inquire as to the practice for filing a motion to dismiss in lieu of an answer. I was advised that while Your Honor requires a pre-motion conference before filing a summary judgment motion, it was not necessary to request a conference where Defendant intended to file a motion to dismiss in lieu of an answer.

If a pre-motion conference is, in fact, required, Defendant respectfully requests that Your Honor either: (1) waive the conference and allow the motion to stand; or (2) hold a conference and allow Defendant to re-file the motion to dismiss, without prejudice. If this Court allows the motion to stand, Defendant is willing to extend all reasonable courtesies and allow Plaintiff additional time to respond, if necessary.

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We thank you for your consideration of these requests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tracey A. Cullen". The signature is fluid and cursive, with the first name "Tracey" being more prominent and the last name "Cullen" written in a smaller, more compact script.

Tracey A. Cullen

cc: David C. Wims, Esq.  
Peter M. Panken, Esq.